IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5743 OF 2004

Shakunsingh Bahadursingh Shikalkar ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr. Nitin Sejpal, for the Applicant.

Mr. V.B. Konde Deshmukh, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

8th February 2005

P.C.:

. Heard Counsel for the parties. Perused the record. The prosecution case is that the stolen property was found in possession of the Applicant - accused No. 5. It is, however, common ground that the Applicant has not taken direct part in the commission of the main crime. The offence for which the Applicant is proceeded is under section 395, 412 read with section 34 of

the indian Penal Code and under section 3 and 25 of the Arms Act. No recovery of any arm or ammunition has been made from the Applicant. As mentioned earlier, the only role of the Applicant is that the stolen property was recovered from him. As only section 34, Indian Penal Code, has been invoked, the Applicant, in my opinion, stands on the same footing as co-accused Raju Telang and Ramesh Chunilal Oswal, who have already been released on bail by the Court below. On parity, the Applicant is also entitled to be released on bail, more so when the investigation is complete and charge sheet is also filed, on the following terms.

(A) The Applicant is granted bail in connection with CR.No. I-45/2004 registered with Mira Road Police Station on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not influence the prosecution witnesses nor shall tamper

with the prosecution evidence in any manner whatsoever.

(C) The Applicant shall report to the Mira Road Police Station once in fortnight on Saturday between 10 a.m. to 2 p.m.

(D) The Applicant shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicant is in any manner responsible for delay in disposal of the trial, that fact be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)